

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	AU Docket No. 20-34
	)	
<b>LTD BROADBAND, LLC</b>	)	WC Docket No. 10-90
	)	
Petition for Waiver of Section 54.804(b)(5)	)	WC Docket No. 19-126
of the Commission's Rules	)	

To: Chief, Wireline Competition Bureau

**FOURTH SUPPLEMENT TO PETITION FOR LIMITED WAIVER**

LTD Broadband LLC hereby supplements its Petition for Limited Waiver filed June 7, 2021, as previously supplemented on June 16, 2021, June 23, 2021, and June 28, 2021 to provide the attached declarations of Corey Hauer (Exhibit 1) and Stephen E. Coran (Exhibit 2).

Respectfully submitted,

**LTD BROADBAND, LLC**

August 10, 2021

By: /s/ Stephen E. Coran  
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# EXHIBIT 1

## **SECOND DECLARATION OF COREY HAUER**

My name is Corey Hauer. I am President, CEO, and owner of LTD Broadband LLC (“LTD Broadband”). This Second Declaration is made in connection with LTD Broadband’s Rural Digital Opportunity Fund (“RDOF”) application, and the Petition for Limited Waiver of LTD Broadband filed with the FCC on June 7, 2021, and supplemented on June 16, 2021, June 23, 2021, and June 28, 2021 (the “Waiver Petition”). I hereby certify under penalty of perjury that the statements in this Second Declaration are true and correct.

1. As indicated in my Declaration dated June 28, 2021, LTD Broadband initially retained attorney Kristopher Twomey to prepare, file, and prosecute ETC applications in all fifteen (15) of the states for which LTD Broadband was presumptively awarded RDOF funds. In March of 2021, LTD Broadband also retained attorney Stephen Coran of Lerman Senter to assist with FCC matters related to LTD Broadband’s RDOF application, and LTD Broadband’s ETC applications in certain states where such assistance was requested. Mr. Twomey maintained primary responsibility for LTD Broadband’s ETC application to the Nebraska Public Service Commission (the “PSC”).

2. Mr. Twomey, Mr. Coran, and I discussed the status of LTD Broadband’s various ETC applications on a weekly basis and maintained a shared document to track the relevant dockets in each state. With respect to the states for which Mr. Twomey was primarily responsible (including Nebraska), Mr. Coran and I relied upon the status information that Mr. Twomey provided in the document, and in our discussions, and reasonably believed such information to be accurate.

3. The draft ETC application for Nebraska that I reviewed and verified was dated April 23, 2021. Mr. Twomey communicated to Mr. Coran and me that the application was, in fact, filed with the PSC on April 28, 2021. Mr. Twomey did not provide me with a date-stamped copy of the application.

4. Before LTD Broadband’s ETC application for Nebraska was filed, Mr. Twomey advised Mr. Coran and me that the PSC’s approval process typically is completed within thirty (30) days. It was based on this representation that I believed a late April submission of the application would be sufficient to ensure its approval before June 7, 2021.

5. In connection with LTD Broadband’s preparation of the Waiver Petition, Mr. Twomey advised Mr. Coran and me that LTD Broadband’s ETC application for Nebraska could be expected to be approved by the PSC on June 8, 2021, or June 21, 2021, at a scheduled PSC meeting. Because this information was consistent with Mr. Twomey’s representations about the duration of the PSC’s process, I had no reason to question it.

6. I reviewed the PSC’s letter to the FCC dated August 3, 2021. Neither the letter nor the facts stated in that letter were known to me before Mr. Coran forwarded it to me on August 5, 2021. Mr. Twomey did not inform me of the email sent to him by PSC Attorney Sallie Dietrich, dated May 4, 2021. Before I received the PSC’s August 3 letter, I believed that LTD Broadband’s

ETC application was filed on April 28, 2021 rather than on May 3 as the PSC letter makes clear. I also believed Mr. Twomey's representation that the PSC could complete its processing and approve the ETC application within 30 days of its filing and in advance of the FCC's June 7, 2021 deadline. I now understand that Mr. Twomey's statements to me were not true.

7. It is accurate that no protests of LTD Broadband's ETC application were filed with the PSC as of June 7, 2021, the date on which the Waiver Petition was filed with the FCC. On June 8, 2021, the Nebraska Rural Broadband Alliance ("NRBA") filed a Petition for Informal Intervention, which the PSC subsequently granted on June 14, 2021. Mr. Coran and I were advised of the intervention on June 29, 2021, by Ms. Dietrich.

8. On July 7, 2021, LTD Broadband retained local counsel to assist with the prosecution of its ETC application before the PSC. LTD Broadband intends to continue prosecuting that application and participating in discovery. Mr. Twomey is no longer engaged by LTD Broadband.

9. I sincerely regret that the representations of my former counsel, Mr. Twomey, were not true. I have retained new counsel for Nebraska, and I am making this Declaration to ensure that the FCC record is accurate.

  
\_\_\_\_\_  
Corey Hauer

8/10/2021  
Date

## EXHIBIT 2

## **SECOND DECLARATION OF STEPHEN E. CORAN**

My name is Stephen E. Coran. I am a member of Lerman Senter PLLC, a Washington D. C. communications law firm. I have been practicing law for approximately 35 years, primarily before the Federal Communications Commission ("FCC"). This Second Declaration is made in connection with LTD Broadband LLC's Rural Digital Opportunity Fund ("RDOF") application, and the Petition for Limited Waiver of LTD Broadband LLC filed with the FCC on June 7, 2021, and supplemented on June 16, 2021, June 23, 2021, and June 28, 2021 (the "Waiver Petition"). I hereby certify under penalty of perjury that the statements in this Second Declaration are true and correct.

1. As I indicated in my Declaration dated June 28, 2021, LTD Broadband LLC ("LTD Broadband") retained Lerman Senter in March of 2021 to assist with FCC matters related to its RDOF application. Prior to that time, Corey Hauer, LTD Broadband's owner and CEO, told me that he previously retained attorney Kristopher Twomey to handle LTD Broadband's preparation and prosecution of ETC applications for each of the fifteen (15) states for which LTD Broadband was presumptively awarded RDOF funds. Mr. Hauer subsequently asked Lerman Senter to assist Mr. Twomey with LTD Broadband's ETC applications for a small number of states, which did not include Nebraska. Once Lerman Senter became involved with some of LTD Broadband's ETC applications, Mr. Hauer, Mr. Twomey, and I conducted status calls approximately every week to discuss the dockets in various states. We also created and maintained a shared document to track the status of the various ETC applications in each of the fifteen (15) states.

2. As the FCC's June 7, 2021 deadline for RDOF auction winners to obtain approvals of their ETC applications approached, I realized that LTD Broadband would be unable to meet the deadline for a number of states. At Mr. Hauer's direction, I prepared the Waiver Petition, which included a request for an extension of the deadline with respect LTD Broadband's ETC application filed with the Nebraska Public Service Commission ("PSC"). For purposes of the Waiver Petition, I relied on the information provided by Mr. Twomey in the status chart, and in our discussions.

3. Based on our internal status chart, LTD Broadband's Nebraska ETC application was filed on April 28, 2021. Mr. Twomey represented to me that the PSC had a thirty (30) day approval process, and therefore, LTD Broadband's ETC application would be approved in June – either at the PSC's June 8, 2021 or June 29, 2021 scheduled meeting. I believed this information to be true and accurate, and I included it in the Waiver Petition. Mr. Twomey reviewed drafts of the Waiver Petition before it was filed, and did not correct the information he had provided concerning the filing date or the expected timing for approval of the Nebraska ETC application.

4. I obtained and reviewed a copy of the PSC's letter to the FCC dated August 3, 2021 from the FCC's website. The facts stated in that letter were not known to me before I obtained it. Mr. Twomey did not inform me of the email sent to him by PSC Attorney Sallie Dietrich, dated May 4, 2021. Before I reviewed the letter, I believed that LTD Broadband's ETC application was filed on April 28, 2021 instead of on May 3 as stated in the PSC's August 3 letter. I also believed, on the date that the Waiver Petition was filed, that LTD Broadband's Nebraska ETC application

was likely to be approved by the PSC in the month of June. I now understand that Mr. Twomey's statements to Mr. Hauer and me were not true.

5. I understand that LTD Broadband fired Mr. Twomey and has since retained local counsel to replace him in Nebraska.

6. I regret that these circumstances have arisen and have distracted the FCC and the PSC from other matters. Mr. Twomey, the attorney solely responsible for LTD Broadband's ETC application in Nebraska, had multiple opportunities to inform LTD Broadband of facts known only to him pertaining to that application and to make corrections to the Waiver Request prior to its filing with the FCC.

Stephen E. Coran  
Stephen E. Coran  
BHF

8/10/21  
Date